decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

The question that this section should form part of the Bill was put to the vote and carried.

President.—The preamble of the Bill is : "Whereas it is expedient to amend the Cochin Code of Criminal Procedure, Regulation II of 1086, it is hereby enacted as follows."

The question of passing the preamble was put to the vote and was carried.

President.—Do you move that it may be taken up and passed? Friday is the last day. We shall take it up on Friday.

Mr. K. Achyuta Menon.—Sir, I beg to move that a 'Bill to amend the Cochin Code of Criminal Procedure' be taken up and passed on Friday, the 17th of Vrischigam 1103.

Mr. T. K. Krishna Menon.—I beg to second it.

The question that the Bill to amend the Cochin Code of Criminal Procedure be taken up and passed at the meeting on the 17th of Vrischigam 1103 was put to the vote and was carried.

Resolutions on Matters of General Public Interest.

1. *The abolition of age-limit for retirement from Government Service.*

President.—We will now take the first resolution standing in the name of Dr. A. R. Menon.

Dr. A. R. Menon.—Sir, I beg to move the resolution standing in my name which runs thus:—"This Council recommends that the rule that an officer should retire on attaining his 55th year from the Government service may be deleted from the Service Rules." In moving this resolution, I may have to make a few observations. I wish to impress on the Members sitting on the opposite side that there is no intention to pass any personal reflection or to affront them. But this question on grounds of high policy should be settled one way or other, Sir. The object of retaining a law in the statute book is for its due observance. Of all the people, those who enacted the laws should be the first and foremost in observing the spirit and the letter of the regulations—their own product. If you do not observe your own laws, the result will be that the general public are more clearly entitled to disobey your own regulations. Hence when a law is not observed, it means that that law most probably has now become useless for our purposes. If it is useful, then I take it that the Government is bound to observe the implications involved in the explanation of this rule, that Government officials should be asked to retire on attaining the 55th year of their age. That is one point. In order that it may not have an evil moral effect upon our people,

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and in order to avoid the tendency that may be produced in our people to violate the general laws, either the Government should observe their own laws or such redundant or useless laws must be removed from the statute book.

The second reason is in a way from an economic point of view. It will be a great saving to the State, if the servants of the State are not asked to retire from public service. We pay in one form or other about 2½ lakhs of rupees in the shape of pension. If it could be shown that we can retain an officer as long as he is in a position to carry out his duties irrespective of the question of age, then it is my belief that a great saving could be effected of public finance. That is the second reason that I would suggest for this resolution.

Now the third reason. It may be asked what is the object of such a rule. The object of such a rule is that it is presumed, rightly or wrongly, that, in a country like India with a climate like ours, a gentleman, who attains the age of 55, is not supposed to be in a position to carry out energetically the duties of Government (*Hear, hear*). If it is so, if the contention is accepted, then it is the duty of the Government to see that these rules are observed. On the other hand, if the Government are of opinion that this is a far-fetched idea, that whosoever has enacted these rules has not exactly understood the situation, then I say it is our duty to see this law is removed from the statute book. What may be the reasons to prompt them to continue? There may be two. One is for self-interest or a knowledge that he is in a position to carry on the work entrusted to him, and also a knowledge on the part of the Government that such officers are in a position to carry out their work. Now, I shall be the last man to suppose that it is the result of self-interest that makes our officials stick to their places. Therefore, the second alternative comes, namely, their fitness to carry on the work and the realisation on the part of the Government about their fitness. If it is so, is it not right that such a law should be removed from the statute book? These are the three grounds that I would place as briefly as I possibly can for the removal of this law. Now, Sir, I may go a step further, and say that I have noticed lately that the Government is of opinion that the 55th year is vexatious, as has been proved by the fact that pensioners from other Governments have been provided for in the service of the State.

Pensioners have been drafted to the services of the State, implying thereby that the Government is of opinion that these new are fit to carry on the work. It stands to reason that, if the Government is not satisfied, they would not have been entertained. The fifty-fifth year rule, whatever implications it

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may have in other parts of India, so far as our State is concerned, is inapplicable; it seems to me that the salubrious nature of our climate is such that the people who are supposed to carry on the work despite old age or weakness are entertained on the ground of their fitness. Therefore, whatever may be the beneficial result of this rule so far as British India and Travancore are concerned, certainly the rule is not applicable to us. You remember, Sir, there was a time here when it had been the tendency of the Government to give appointments to old pensioners of other Governments. A very clever, a very interesting intellectual chap, the son of the Member for Mulakunnattukavu, was conducting a paper called "the *Kerala Punch*" in which he truly depicted the situation of Cochin to the public.

(*A few lines from "the Kerala Punch" were here read by the Member.*)

I honestly think that there are a lot of people who would subscribe to the view taken up by the clever Editor of this paper. The truth of the matter seems to us that we must have an understanding that we must only frame such laws as will be applicable and practicable. As soon as the Government finds that the rule is applicable or inapplicable, or impracticable for the time being, I believe it is right on the part of the Government to remove such rules from the official statute book, so that we may not have occasion to come here and criticise the action of the Government. Furthermore, the matter does not end here. While certain people are given extension, the poor paid officials, clerks, etc., getting Rs. 25, in spite of the recommendations of their immediate superiors and the Departmental Heads, are not given extension of even 6 months. What will the public think? They can extend their period as they like, and the Government at the same time declines to extend the same privileges, the same concessions to the poor officials, subordinates, who are certainly more in need of extension than any Head of the Department can be in any way. That produces a kind of prejudicial feeling in the minds of the subordinates. That justice has not been done to them, it goes without saying. I honestly consider that producing such a feeling in the minds of your subordinates is not conducive to the efficient, proper and loyal duty that you owe to the Department and to the Government. Therefore, from this policy, if you remove "on questions of merit alone," or on some other grounds——which appeals to the Government that extension only on certain grounds be granted, whether the Government is satisfied or not—then they must be compelled to retire at the 55th year. As long as competent authorities think they are fit to occupy the place, it will not remove all these vexatious feelings. Such differentiation in treatment must inevitably produce in

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the minds of your subordinates an ill-feeling, and as the loyal well-conducted official has a prime duty to the State and is interested in its welfare, the State cannot be properly carried on. I think it is the duty of this House, its Members, to discuss this proposition before this House. With this view I have introduced this resolution for discussion and due consideration.

Mr. N. Padmanabha Menon.—I second this resolution. I wish only to speak a few words regarding the propriety of this House passing this resolution. From the speech made by the mover of this resolution, it is half plain, if not fully, at least, it is not plain to me that one of the reasons that actuated him to move this resolution was the almost systematic violation of the principle embodied in the *Service Regulations* by the Government in grantin extensions.

President.—Not systematic. Our policy is not like that.

Mr. N. Padmanabha Menon.—I do not wish to condemn each particular instance of giving extension of the service in the particular time in which we are living. Perhaps, some of these extensions made have been well deserved. But many extensions produce in the minds of the public a feeling which it is better that the Government should not give opportunity to dwell in. On these grounds, I support it, and I suppose it is quite right that the House should discuss this resolution.

President.—The amendment of Mr. C. A. Kunjunni Raja is to omit the words 'the rule that ' and insert there the word 'no'. After 'officer' insert the words 'who has already attained his 55th year'. Omit the words 'on attaining his 55th year'. Omit the words 'deleted from' and insert there the words "inserted in".

What is the distinction between the two ?

Mr. C. A. Kunjunni Raja.—So far as the resolution of my Hon'ble colleague, the Member for Irinjalakkuda, is concerned, he wants to extend *this* privilege to those who have not attained the age of 55, *now*.

President.—I cannot quite agree so far.

Mr. C. A. Kunjunni Raja.—With all respect to the medical knowledge of my friend, I cannot believe that all men will have equal capacity even when they pass the age of 55. In the case of those whose capacity is tested and whose exemption is already granted, it is only fair that they should be retained for ever. That will be the resolution when amended.

The resolution as amended will run thus:—

"This Council recommends that the rule, that no officer who has already attained 55th year should retire from the Government service may be inserted in the Service Rules".

President.—By Rule 201 of the Cochin Service Regulation, there is limit for a person being in the service. He should be

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required to retire, subject to certain qualifications. The resolution before us is that age-limit must be removed. An officer

Correction Slip to Vol. IV, Part I of the Cochin Legislative Council Proceedings.

For page 55, line 8 and the following and page 56, lines 1 to 20, substitute the following.—

Mr. C. A. Kunjunni Raja.—There are cases in which officers may attain their 55th year in future. I do not want to extend this privilege to them without testing their capacity. In the case of those whose capacity has been tested and found quite competent, it is urged that they may continue for ever.

President.—Mr. C. A. Ouseph's amendment is as follows:—

" That 'deleted from the Service Rules' be omitted, and in their place may be added suspended in the case of all persons who, having completed their 55th year, are, at present, by permission of Government, continuing in service ; " I think your position is the same.

Mr. C. A. Ouseph.—Mine is different, Sir. I want the rule to be suspended. I will put it more explicitly.

President.—I have allowed the two amendments and we shall continue the discussion of them.

Mr. C. A. Kunjunni Raja.—I wish to say a few words while moving this amendment. The rule is that officers in the superior service who have attained the age of 55, shall be required to retire, unless public interest of prime importance requires to remain them in the service.

Read:—Service Regulation, Rule No. 201.

" An officer in superior service who has attained the age of 55 years shall be required to retire, unless the Diwan considers that the public interests require his retention and permits to remain in the service."

In the resolution moved by the Member for Irinjalakkuda there is nothing mentioned with regard to capacity and efficiency. Provision is not made in the resolution that the officer's capacity after the 55th year has also to be taken into account and tested before he is allowed to continue in the service. Of course, in his speech he has emphasised that aspect of the question. Since it was omitted in the resolution I had to bring this amendment. My object was unless you test the capacity of those who has attained the 55th year it should not be allowed as a rule, that every officer will be able to continue even after 55 years. In the case of those who have already passed now the age of 55, and whose capacity has been already

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